

Message Text

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ACTION IO-14

INFO OCT-01 AF-10 ISO-00 DHA-05 CIAE-00 DODE-00 PM-05

H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 ARA-10 EA-10 EUR-12 NEA-10

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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC 6500

INFO AMEMBASSY PRETORIA

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E.O. 11652: N/A

TAGS: SHUM, UNGA, PORG, SF

SUBJ: RESOLUTION ON DEATH OF STEVE BIKO

1. USUN HAS RECEIVED FROM E. REDDY (RPOTECT), DIRECTOR OF UN CENTER AGAINST APARTHEID, A DRAFT OF A RESOLUTION THAT IS BEING PREPARED FOR SUBMISSION TO THIRD COMMITTEE UNDER ITEM 12 (ECOSOC REPORT). REDDY DRAFT BASED ON US DRAFT PREVIOUSLY HANDED HIM. ITEM 12 IS DUE TO COME UP IN ABOUT TWO WEEKS. REDDY HAS INDICATED TO MISOFF THAT HE BELIEVES THAT SWEDEN, PHILIPPINES, AND SENEGAL WILL BE THE ORIGINAL CO-SPONSORS. MISOFF CONFIRMED WITH SWEDISH THIRD COMMITTEE REP THAT HE HAD CABLED STOCKHOLM FOR PERMISSION TO TAKE LEAD IN THIS EFFORT.

2. RECENT CRACKDOWNS BY SAG, HOWEVER, HAVE NOW COMPLICATED THE ISSUE, WITH SOME COUNTRIES, ESPECIALLY SWEDEN, ARGUING THAT ORIGINAL BIKO DRAFT BE STRENGTHENED TO COVER LATEST SAG ACTIONS.

3. MISSION PREFERS THAT ISSUES OF BIKO DEATH AND LATEST SAG ARRESTS AND BANNINGS BE KEPT SEPARATE IN TERMS OF LIMITED OFFICIAL USE

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WORKING WITH UN RESOLUTIONS. WE BELIEVE THAT THE REDDY DRAFT ON A BIKO RESOLUTION IS A GOOD ONE. UN REACTIONS TO THE LATEST SAG ACTIONS ALREADY TRANSCEND WORK OF ANY ONE COMMITTEE, WITH THE SECURITY COUNCIL SET TO ADDRESS THE ISSUE NEXT WEEK. MISSION BELIEVES THAT TRYING TO DEAL WITH THE LATEST SAG ACTIONS BY STRENGTHENING THE BIKO RESOLUTION IN THIRD COMMITTEE WILL ONLY INVITE CONFUSION

AND POSSIBLE CONFLICT WITH OTHER UN EFFORTS ON THE SAME SUBJECT.

4. REQUEST DEPARTMENT'S VIEWS ON ABOVE ANALYSIS. WE SUGGEST FURTHER THAT US OFFER TO COSPONSORS BIKO RESOLUTION IN THIRD COMMITTEE, ASSUMING IT STAYS MORE OR LESS AS QUOTED BELOW.

5. WORKING DRAFT OF BIKO RESOLUTITN FOLLOWS:

QTE: THE GENERAL ASSEMBLY

GRAVELY CONCERNED OVER THE NUMEROUS DEATHS IN DETENTION IN SOUTH AFRICA THAT HAVE RAISED SERIOUS AND PERSISTENT QUESTIONS, INCLUDING QUESTITNS ABOUT ARBITRARY DEPRIVATION OF LIFE, TORTURE, AND CRUEL AND INHUMAN TREATMENT OF PERSONS IN DETENTION,

RECALLING THAT THE INTERNAL SECURITY ACT AND THE TERRORISM ACT AND OTHER PROVISIONS OF SOUTH AFRICAN LAW PERMIT PROLONGED DETNETION WITHOUT ACCESS TO THE COURTS, COUNSEL OF ONE'S CHOICE OR FAMILY,

CONSIDERING THAT THE UNQUALIFIED PROGIBITION IN INTERNATIONAL LAW OF ARBITRARY DEPRIVATION OF LIFE, TORTURE AND CRUEL AND INHUMAN TREATMENT OF PERSONS DEMANDS IMPARTIAL LIMITED OFFICIAL USE

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AND INDEPENDENT JUDICIAL ENFORCEMENT,

TAKING NOTE OF THE REPORT OF THE AD HOC WORKING GROUP OF EXPERTS ESTABLISHED IN PURSUANCE OF RESOLUTION 2 (XXIII) OF THE COMMISSION ON HUMAN RIGHTS ON DEATHS OF DETAINEES AND POLICE BRUTALITY SINCE THE SOWETO XASSACRE OF 16 JUNE 1976 (A/32/226),

DEEPLY SHOCKED AT THE RECENT DEATH IN DETENTION OF STEVEN BIKO AT PRETORIA, SOUTH AFRICA, AND THE REPORTS CONCERNING THE CIRCUMSTANCES OF HIS DEATH:

1. CALLS URGENTLY UPON THE GOVERNMENT OF SOUTH AFRICA:
(A) TO SUBMIT THE MATTER OF STEVEN BIKO'S DEATH AND DETENTION TO PROMPT, FULL AND PROPER JUDICIAL INQUIRY;
(B) TO INVITE AN APPROPRIATE INTERNATIONAL ORGANIZATION TO REVIEW AND REPORT UPON THE ENTIRE QUEWTION OF THE NATURE AND APPLICATION OF SOUTH AFRICAN LAWS AND PRACTICES RELATING TO DETENTION; AND
(C) TO ENSURE THAT THE HUMAN RIGHTS OF ALL PERSONS, INCLUDING THOSE IN DETENTION, ARE RESPECTED. UNQTE.
YOUNG

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Copy: SINGLE
Sent Date: 22-Oct-1977 12:00:00 am
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Disposition Approved on Date:
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